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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 * * *

10 HEATHER FOSTER,

11 Plaintiff,

Case No. 3:18-cv-00438-MMD-CBC

12 vs.

13 WASHOE COUNTY,

14 Defendant.
15 _____/

**STIPULATION AND ORDER TO
VACATE DEADLINES FOR CASE
MANAGEMENT CONFERENCE AND
DISCOVERY PLAN/SCHEDULING
ORDER PURSUANT TO LR 26-4**

16 COME NOW the parties herein, by and through respective undersigned counsel of
17 record and hereby stipulate and agree pursuant to LR 26-4 as follows:

18 Defendant Washoe County has filed a Motion to Dismiss (ECF #8) based on the legal
19 question as to the applicability of the Uniform Services Employment and Reemployment Rights
20 Act ("USERRA") to Ms. Foster's position as a FEMA Individual Assistance Reservist. At this
21 juncture, a Case Management Conference is scheduled in this matter for December 2, 2019 at
22 9:00 a.m. In addition, a Discovery Plan/Scheduling Order is due by September 27, 2019.

23 The parties agree that good cause exists to vacate and hold in abeyance those scheduled
24 deadlines, as well as all other related deadlines, as the resolution of this case hinges on this legal
25 issue. The parties that such action is in their best interests in keeping the cost of this litigation
26

1 to a minimum by eliminating unnecessary pretrial activities, as well as being in the interest of
2 the Court in conserving its resources, pending adjudication of the Motion to Dismiss.

3 Accordingly, the parties stipulate and agree to vacate the Case Management Conference
4 scheduled in this matter for December 2, 2019 at 9:00 a.m., and the deadline to submit the
5 Discovery Plan/Scheduling Order of September 27, 2019, and all other related deadlines. Upon
6 the adjudication of the Motion to Dismiss, those deadlines will be reset if still necessary.

7 This is undersigned counsels' first request for an extension of the Case Management
8 Conference date or the deadline for the Discovery Plan/Scheduling Order.

9 This stipulation to extend said deadlines are being submitted to the Court more than 21
10 days before the expiration of the subject deadlines.

11 Dated this 20th day of August, 2019

/s/ Terri Keyser-Cooper

Terri Keyser-Cooper, Esq.
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ATTORNEY FOR PLAINTIFF
HEATHER FOSTER

16 Dated this 20th day of August, 2019

CHRISTOPHER J. HICKS
District Attorney

By /s/ Herbert B. Kaplan

HERBERT B. KAPLAN
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ATTORNEY FOR DEFENDANT
WASHOE COUNTY

ORDER

IT IS SO ORDERED.

24 Dated this 22nd day of August 2019


United States Magistrate Judge